

10/1/03

1. Please enter the declaration filed on 8/18/03 as #8, Supplemental Declaration.
2. Please endorse the amdt filed on 8/18/03 as #19 Amdt B(NE). Do not physically enter the amendment into the record because it is informal.

The PALM status should be that of an informal response.

Then please forward the file to the examiner with this note attached.

Thanks,

Steve Marcus

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George:

The amendment does not comply with the regulations (37 CFR 1.173) or the MPEP practice (MPEP 1453). Specifically, they have submitted an amendment under the revised amendment practice. However, that practice does not apply to reissue applications. Therefore, we don't want to see any claims except those being presently amended and those being presently added. You can attach the OG notice I'm enclosing to your action (see below), and inform the applicant that both the OG notice and the new 37 CFR 1.121 that became effective 7/30/03 do not apply to amending reissue applications. I do not want to see the parenthetical expressions that belong to 37 CFR 1.121.

Please communicate the substance of this to applicant, precisely. We just want the currently amended, cancel and added claims. We do not need the parenthetical (newly presented). We do need the "old style" (once amended), (twice amended) parentheticals. Also, claims cannot be amended by using "strike out" to show deletions. Further, any amendments to claims 14+ would never have any indication of deletions, since no word in these claims was ever part of the patent text, while every word in these claims would be underlined, since no word in these claims was ever part of the patent text. In addition, the regulation requires that applicant inform you of where in the specification support for the amendments can be found.

You may also tell applicant that any further amendments that are filed without complying with 37 CFR 1.173 may be considered to not constitute a *bona fide* attempt to reply to an outstanding Office action.

Thanks,

Steve Marcus